

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.12123 of 2008
AWDHESH PANDEY & ANR.
Versus
THE STATE OF BIHAR

2. 5.5.2008 Petitioners, namely, Awdhesh Pandey and Binod Pandey, are accused in a case instituted under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Heard the learned Advocate of the petitioner as well as the learned advocate of the informant. Also heard the learned A.P.P. for the State.

It has been submitted by the learned Advocate of the petitioners that there is specific allegation against co-accused Santosh Pandey that he opened fire from his rifle causing injury on the chest and right arm of the informant's father as a result of which he sustained injury and died. It has further been submitted that although the petitioners are named in the first information report and there is vague allegation that they also opened fire but there is nothing to show that due to firing done by the petitioners, the deceased sustained injuries.

The learned Advocate of the informant submitted that while rejecting the prayer of bail of the petitioners, the learned Sessions Judge has passed a detailed order in which he has mentioned that these two petitioners had also opened fire.

Considering the submissions of both sides and considering the fact that the main allegation of causing injury to the deceased is against co-accused Santosh Pandey and there is nothing to show that due to

firing done by these petitioners, the deceased had also sustained injury, I am of the view that the petitioners should be enlarged on bail.

Accordingly, petitioners, namely, Awdhesh Pandey and Binod Pandey, are ordered to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Rohtas at Sasaram in Dinara P.S. Case no.206 of 2007.

BT

(Syed Md. Mahfooz Alam, J)

